IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.967 OF 2004

Mira Bhayandar Municipal Council .. Petitioner.
Vs.
M/s.Tirupati Gas Service
Proprietor Shri Jayawant S.Vaithy .. Respondent.

Mr.R.S.Apte for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 16TH AUGUST, 2006

P.C.:

. Heard Mr.Apte, learned counsel for the petitioner. None present for the respondent, though served.

2. By this writ petition, the petitioner - Municipal Council has impugned the order dated 19.10.2000 passed by the Joint District Judge, Thane in Miscellaneous Civil Appeal No.84 of 2000 by which their appeal came to be dismissed with costs. The appeal was directed against the order dated 11.4.2000 passed by the Joint Civil Judge, Junior Division, Thane by which the petitioner-council was directed to restore the position of the suit premises as existed before its demolition at its own expenses within a period of ten days from the date of that order. Being

aggrieved by the aforestated order the petitioner-council initially filed civil revision application No.108/2002 before this Court in which on 3rd April, 2002 while issuing notice before admission this Court had granted ad-interim relief in terms of prayer clause (b) therein. However, the revision came to be disposed of as not maintainable. Hence the petitioner filed the present writ petition, in which once again ad-interim relief was granted. According to Mr.Apte the orders impugned in the present writ petition remain stayed till this date. Considering the overall facts and circumstances of the case and that the interim order is running in favour of the petitioner right from the beginning, I am satisfied that no useful purpose will be served by keeping this petition pending any more and the interest of justice would be served if the trial Court is directed to decide Regular Civil Suit No.151 of 2000 within time frame. Hence I pass the following order:

(a) Interim order granted by this Court in the present writ petition shall remain operative till the disposal of the suit.

(b) The trial Court shall endeavour to dispose of Regular Civil Suit No.151 of 2000 as expeditiously as possible and preferrably within a period of six months

from the date of receipt of this order, on merits in accordance with law and uninfluenced by the orders impugned in this petition.

(c) While passing this order I shall not be understood to have examined the merits of the case.

. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)